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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,893	03/25/2004	Richard T. Halishak	16-451	7407

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WATTS, HOFFMANN CO., L.P.A.  
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EXAMINER

LABBEES, EDNY

ART UNIT PAPER NUMBER

2632

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/808,893

Applicant(s)

HALISHAK, RICHARD T.

Examiner

Edny Labbees

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/25/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 2 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2 and 7 are objected to because of the following informalities: Applicant fails to describe what LMS is. Examiner interpret LMS to be low medium spectrum. Examiner suggests the applicant includes the literal meanings of the acronyms of UHF and LMS in the claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1, 2, 6, 7 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jackson (US 5,235,329).

Regarding Claim 1, Jackson discloses *Emergency Vehicle Detection Device* that has the following claim limitations:

Claimed transmitter/receiver mounted to an emergency vehicle is met by the transmitter/receiver in an emergency vehicle (see Col. 1 Ins 58 to 68 and Col. 2 Ins 1-6); claimed transmitter/receiver blanked from its own signal but is able to receive signals from other emergency vehicles is met by invention of Jackson where the emergency

vehicle is equipped with a receiver that is sensitive to a frequency that is not transmitted by its own transmitter (see Col. 2 Ins 3-6); claimed receiver mounted unto a motor vehicle that responds to the signals transmitted from the emergency vehicle is met by receiver (unlabeled) mounted unto an ordinary automobile that is sensitive to the sirens of emergency vehicles (see Col. 1 Ins 41-48); claimed visual indicator mounted to a motor vehicle that displays a visual warning to warn the motorist and/or other emergency vehicles of the other emergency vehicles is met by the visible signal device (16) that blinks when activated (see Col. 2 Ins 50-61).

Regarding Claim 2, claim UHF/LMS signal is met by the transmitter of Jackson that can transmit various frequencies such as 463 MHz to 469 MHz which falls in the Ultra High Frequency (UHF) range of 300 MHz to 3000 MHz.

Regarding Claim 6, the claim is rejected and interpreted as claim 1 stated above.

Regarding Claim 7, the claim is rejected and interpreted as claim 2 stated above.

Regarding Claim 11, claimed receiver responding to a signal originating from an emergency vehicle is met by receiver in a emergency vehicle indicating the presence of another emergency vehicle (see Col. 1 Ins 66-68); claimed visual warning display is met by the dome light (15) flashes or blinks when a emergency vehicle is near (see Col. 2 Ins 50-57 and Col. 3 Ins 22-24).

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (US 5,235,329) in view of Crockford et al. (US 6,630,892).

Jackson does not disclose the claimed device comprising a signal encoded with information conveying the type of emergency vehicle the signal is originating from. However Crockford teaches *Danger Warning System* that has a signal encoder (330) connected to a signal transmitter (300) where the signal encoder (330) has access to a unique site identification code. The unique site identification code serves to identify the type of site, such as ambulance, law enforcement and fire department (See Col.7 Ins 39-47). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Crockford into the system of Jackson so that the motorist and/or emergency service can detect what type of emergency service is approaching so he/she can properly give the right of way.

Regarding Claim 8, the claim is rejected and interpreted as claim 3 stated above.

6. Claim 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (US 5,235,329) in view of Yu et al. (US 6,807,464).

Regarding claim 4, Jackson does not disclose the claimed device having a vehicle outputting a digital signal that occurs at periodic intervals. However, Yu

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discloses *Systems And Methods For Distributing Information To An Operator Of A Vehicle* that teaches a system where an information controller (800) transmit vehicle control information to other vehicles periodically. Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Yu into the system of Jackson so the periodically transmitting non-continuous signals will reduce the consumption of power as opposed to sending a continuous signal. Examiner takes official notice that is well known in the art that both digital and analog signals can be transmitted periodically.

Regarding claim 9, the claim is rejected and interpreted as claim 4 stated above.

### ***Allowable Subject Matter***

7. Claims 5 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turbeville et al. *Emergency Vehicle Detection System*, (US 6,778,101)

Bishop, *Broadcast Band Siren Alarm Transmitter System...* (US 4,443,790)

Johnston, *Approaching Vehicle Forming System And Method*, (US 4,747,064)

Prevulsky et al. *Emergency Vehicle Alert System*, (5,307,060)

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Henry et al. *Vehicular Emergency Vehicle Alarm Apparatus*, (6,094,148)

Trizzino et al. *Emergency Vehicle Warning System And Method*, (US RE38,763)

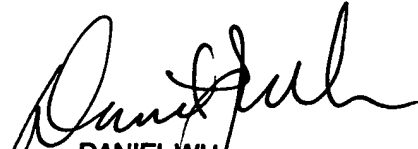
Gibbons et al. *Emergency Vehicle Warning System*, (US 2002/0102961)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edny Labbees  
9/14/2005

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
9/14/05